

Appendix J

Proposed HAPC Identification Process

Prepared by

Staff

North Pacific Fishery Management Council

Revised January 2005

CONTENTS

J.1	Introduction and Background	J-1
J.2	HAPC Considerations and Priorities	J-1
	J.2.1 HAPC Considerations	J-2
	J.2.2 HAPC Priorities	J-2
J.3	Proposal Cycle	J-2
J.4	HAPC Process	J-2
	J.4.1 Call for Proposals	J-2
	J.4.2 Initial Screening	J-3
	J.4.3 Review Process	J-3
	J.4.4 Evaluation of Candidate HAPCs	J-4
J.5	Council Action	J-5
	J.5.1 Council Assessment of Proposal Reviews	J-5
	J.5.2 Council Selection of HAPC Proposals for Analysis	J-5
	J.5.3 Stakeholder Input	J-5
	J.5.4 Technical Review	J-5
J.6	NEPA Analysis	J-5
	J.6.1 Public Comment on NEPA Analysis	J-5
J.7	Periodic Review	J-5
	Literature Cited	J-5

TABLES

Table J-1	Evaluation Matrix of Proposed HAPC Types and Areas, with Sample Proposals for Illustration Only	J-4
------------------	--	------------

FIGURES

Figure J-1	HAPC Process Sequential Steps	J-6
-------------------	--	------------

ACRONYMS AND ABBREVIATIONS

Council	North Pacific Fishery Management Council
EFH	essential fish habitat
EIS	environmental impact statement
EEZ	exclusive economic zone
FMP	Fishery Management Plan
HAPCs	habitat areas of particular concern
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
SSC	Scientific and Statistical Committee

J.1 Introduction and Background

In June 1998, the North Pacific Fishery Management Council (Council) identified several habitat types as habitat areas of particular concern (HAPCs) within essential fish habitat (EFH) amendments 55/55/8/5/5. Habitat types, rather than specific areas, were identified as HAPCs because little information was available regarding specific habitat locations. These HAPC types included the following:

1. Areas with living substrates in shallow waters (e.g., eelgrass, kelp, and mussel beds)
2. Areas with living substrates in deep waters (e.g., sponges, coral, and anemones)
3. Freshwater areas used by anadromous fish (e.g., migration, spawning, and rearing areas)

The history of North Pacific Council HAPC designations is provided in Chapter 2 of the EFH environmental impact statement (EIS). In April 2001, the Council formed the EFH Committee to facilitate industry, conservation community, Council, and general public input into the EFH EIS process. The committee worked cooperatively with Council staff and the National Marine Fisheries Service (NMFS) to identify alternative HAPC criteria, as well as approaches that could be used to designate and manage HAPC areas. The Committee aided in formulating the HAPC designation alternatives referred to in Chapter 2 and developed recommendations for a HAPC process.

In October 2003, the Council chose a preliminary preferred alternative for a HAPC approach: HAPCs will be site-based, and the three HAPC types listed above will be rescinded.

For the initial 2003 HAPC process, the Council recommended that the proposals focus on sites within two specific priority areas:

1. Seamounts in the exclusive economic zone (EEZ), named on National Oceanic and Atmospheric Administration (NOAA) charts, that provide important habitat for managed species
2. Largely undisturbed, high-relief, long-lived hard coral beds, with particular emphasis on those located in the Aleutian Islands, which provide habitat for life stages of rockfish or other important managed species

Nominations were based on best available scientific information and included the following features:

1. Sites must have likely or documented presence of Fishery Management Plan (FMP) rockfish species.
2. Sites must be largely undisturbed and occur outside core fishing areas.

This appendix summarizes the process that will be used to identify HAPC sites in the future, consistent with the HAPC approach chosen through Action 2, Adopt an Approach for Identifying HAPCs, of this EIS. The Council may modify this HAPC process over time, as warranted.

J.2 HAPC Considerations and Priorities

The Council will call for HAPC nominations through a proposal process that will focus on specific sites consistent with HAPC priorities designated by the Council. The Council may designate HAPCs as habitat sites, and management measures, if needed, would be applied to a habitat feature or features in a specific geographic location. The feature(s), identified on a chart, would have to meet the considerations established in the regulations and would be developed to address identified problems for FMP species. They would have to meet clear, specific, adaptive management objectives. Evaluation and development of HAPC management measures, where management measures are appropriate, will be guided by the EFH Final Rule.

J.2.1 HAPC Considerations

HAPCs are those areas of special importance that may require additional protection from adverse effects. Regulations at 50 CFR 600.815(a)(8) provide the following:

FMPs should identify specific types or areas of habitat within EFH as habitat areas of particular concern based on one or more of the following considerations:

- (i) The importance of the ecological function provided by the habitat.
- (ii) The extent to which the habitat is sensitive to human-induced environmental degradation.
- (iii) Whether, and to what extent, development activities are, or will be, stressing the habitat type.
- (iv) The rarity of the habitat type.

The Council will consider HAPCs that meet at least two of the four HAPC considerations above, and rarity will be a mandatory criterion of all HAPC proposals.

J.2.2 HAPC Priorities

The Council will set priorities at the onset of each HAPC proposal cycle.

J.3 Proposal Cycle

HAPC proposals may be solicited every 3 years on the same schedule as the regular or regulatory amendment schedule.

J.4 HAPC Process

The HAPC process will be initiated when the Council sets priorities, and a subsequent request for HAPC proposals is issued. Criteria to evaluate the HAPC proposals will be reviewed by the Council and the Scientific and Statistical Committee (SSC) prior to the request for proposals. Any member of the public may submit a HAPC proposal. Potential contributors may include fishery management agencies, other government agencies, scientific and educational institutions, non-governmental organizations, communities, and industry groups. A step-by-step outline is attached as Figure J-1.

J.4.1 Call for proposals

A call for proposals will be announced during a Council meeting, and will be published in the Federal Register, as well as advertised in the Council newsletter. Scientific and technical information on habitat distributions, gear effects, fishery distributions, and economic data should be made easily accessible for the public, simultaneous with issuing a call for proposals. For example NMFS' Alaska Region website has a number of valuable tools for assessing habitat distributions, understanding ecological importance, and assessing impacts. Information on EFH distribution, living substrate distribution, fishing effort, catch and bycatch data, gear effects, known or estimated recovery times of habitat types, prey species, and freshwater areas used by anadromous fish is provided in the EFH EIS. The public will be advised of the rating criteria with the call for proposals.

J.4.1.1 Contents of Proposals

The format for a HAPC proposal should include the following:

- Provide the name of the proposer, address, and affiliation.
- Provide a title for the HAPC proposal and a single, brief paragraph concisely describing the proposed action.
- Identify the habitat and FMP species that the HAPC proposal is intended to protect.
- State the purpose and need.
- Describe whether and how the proposed HAPC addresses the four considerations set out in the final EFH regulations.
- Define the specific objectives for this proposal.
- Propose solutions to achieve these objectives [How might the problem be solved?].
- Establish methods of measuring progress towards those objectives.
- Define expected benefits of the proposed HAPC; provide supporting information/data, if possible.
- Identify the fisheries, sectors, stakeholders, and communities to be affected by establishing the proposed HAPC [Who would benefit from the proposal; who would it harm?] and any information you can provide on socioeconomic costs.
- Provide a clear geographic delineation for the proposed HAPC (written latitude and longitude reference point and delineation on an appropriately scaled NOAA chart).
- Provide the best available information and sources of such information to support the objectives for the proposed HAPC (citations for common information or copies of uncommon information).

J.4.2 Initial Screening

Council staff will screen proposals to determine consistency with Council priorities, HAPC criteria, and general adequacy. Staff will present a preliminary report of the screening results to the Council. The Council will determine which of the proposals will be forwarded for the next review step: scientific, socioeconomic, and enforcement review.

J.4.3 Review Process

J.4.3.1 Scientific Review

The Council will refer selected proposals to the plan teams (Gulf of Alaska groundfish; Bering Sea groundfish; Bering Sea crab, scallop, and salmon). The teams will evaluate the proposals for ecological merit.

There will always be some level of scientific uncertainty in the design of proposed HAPCs and how they meet their stated goals and objectives. Some of this uncertainty may arise because the public will not have access to all relevant scientific information. Recognizing time and staff constraints, however, the staff cannot be expected to fill all the information gaps of proposals. The Council will have to recognize data limitations and uncertainties and weigh precautionary strategies for conserving and enhancing HAPCs while maintaining sustainable fisheries. The review panels may highlight available science and information gaps that may have been overlooked or are not available to the submitter of the HAPC proposal.

J.4.3.2 Socioeconomic Review

Proposals will be reviewed by Council or agency economists for socioeconomic impact. The Magnuson-Stevens Act states that EFH measures are to minimize impacts on EFH “to the extent practicable,” so socioeconomic considerations have to be balanced against expected ecological benefits at the earliest point in the development of measures. NMFS’ Final Rule for developing EFH plans states specifically that FMPs should “identify a range of potential new actions that could be taken to address adverse effects on EFH, include an analysis of the practicability of potential new actions, and adopt any new measures that are necessary and practicable” (50 CFR 600.815(a)(2)(ii)). In contrast to a process where the ecological benefits of EFH or HAPC measures are the singular initial focus and a later step is used to determine practicability, this approach would consider practicability simultaneously.

Proposals should also be rated as to whether they identify affected fishing communities and the potential effects on those communities, employment, and earnings in the fishing and processing sectors and the related infrastructure, to the extent that such information is readily available to the public. Management and enforcement will also provide input during the review to evaluate general management cost and enforceability of individual proposals.

J.4.3.3 Management and Enforcement Review

Proposals will be reviewed for management and enforceability.

J.4.4 Evaluation of Candidate HAPCs

The reviewers may rank the proposals by using a system like the matrix illustrated in Table J.1 and provide their recommendations to the Council. In the NPFMC Environmental Assessment of Habitat Areas of Particular Concern (NPFMC 2000), proposed HAPC types and areas were evaluated by using a ranking system that provided a relative score to the proposed HAPCs; they were weighed against the four considerations established in the EFH Final Rule. One additional column was added to the matrix to score the level of socioeconomic impact: the lower the impact, the higher the score. The Data Level column was split into two columns, Data Level and Data Certainty, to reflect not only the amount of data available, but also the scientific certainty of the information supporting the proposal. A written description should accompany the scoring so that it is clear what data, scientific literature, and professional judgments were used in determining the relative score.

Table J-1. Evaluation Matrix of Proposed HAPC Types and Areas, with Sample Proposals for Illustration Only

Proposed HAPC area	Data Level	Data Certainty	Sensitivity	Exposure	Rarity	Ecological Importance	Socioeconomic impact level
Seamounts and Pinnacles	1	1	Medium	Medium	High	Medium	Low
Ice Edge	3	1	Low	Low	Low	High	Low
Continental Shelf Break	3	2	Medium	Medium	Low	High	Medium
Biologically Consolidated Sediments	1	3	Low	Medium	Low	Unknown	Unknown

J.5 Council Action

J.5.1 Council Assessment of Proposal Reviews

Staff will provide the Council with a summary of the ecological, socioeconomic, and enforcement reviews.

J.5.2 Council Selection of HAPC Proposals for Analysis

The Council will select which proposal or proposals will go forward for analysis for possible HAPC designation. The Council may modify the proposed HAPC sites and management measures.

J.5.2.1 Potential Outcomes

Each proposal received and/or considered by the Council would have one of three possible outcomes:

1. The proposal could be accepted, and, following review, the concept from the proposal could be analyzed in a NEPA document for HAPC designation.
2. The proposal could be used to identify an area or topic requiring more research, which the Council would request from NMFS or another appropriate agency.
3. The proposal could be rejected.

J.5.3 Stakeholder Input

The Council may set up a stakeholder process, as appropriate, to obtain additional input on proposals.

J.5.4 Technical Review

The Council may obtain additional technical reviews as needed from scientific, socioeconomic, and management experts.

J.6 NEPA Analysis

Staff will prepare a National Environmental Policy Act (NEPA) analysis and other analyses necessary under applicable laws and Executive Orders.

J.6.1 Public Comment on NEPA Analysis

The Council will receive a summary of public comments and take final action on HAPC selections and management alternatives.

J.7 Periodic Review

The Council may periodically review the efficacy of existing HAPCs and allow for input on new scientific research.

LITERATURE CITED

NPFMC. 2000. Draft Environmental Assessment/Regulatory Impact Review. Habitat Areas of Particular Concern. North Pacific Fishery Management Council. Anchorage, AK.

Figure J-1. HAPC Process Sequential Steps

